

REMARKS

Reconsideration of the present application is respectfully requested. This amendment places the claims in better condition for allowance or appeal and, therefore, is appropriate for entry under 37 C.F.R. § 1.116.

Summary of Office Action

The Office Action indicates that claims 80-81, 84-85, 87, 89 and 91 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 76-85 and 93 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. patent 7,346,928 in view of EP 0903901 and US 2004/0226010.

Claims 86-92 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. patent 7,346,928 in view of EP 0903901 and US 2004/0226010.

Claims 76-77, 79, 82-83 and 93 stand rejected under 35 U.S.C. § 103(a) based on Bates 6,721,721, and further in view of Edwards et al. 6,931,540.

Claim 78 stands rejected under 35 U.S.C. § 103(a) based on Bates 6,721,721, Edwards et al. 6,931,540, and further in view of Poublan et al. 4,104,718.

Claims 86, 88, 90, 92 and 94-95 stand rejected under 35 U.S.C. § 103(a) based on Bates 6,721,721, and further in view of Poublan et al. 4,104,718.

Double Patenting Rejection

Submitted herewith is a terminal disclaimer, which is believed to overcome the nonstatutory double patenting rejection.

Discussion of Amendments

Applicant thanks the Examiner for the indicated allowability of claims 80, 81, 84, 85, 87, 89 and 91. In this response, independent claims 76, 82, 86, 88 and 90 have been amended to incorporate the limitations of claims 80, 84, 87, 89 and 91, respectively, which are now canceled. Dependent claims 81 and 85 have also been amended to correct their dependency. No claims have been added in this response.

Therefore, the present application is believed to be in condition for allowance, and such action is earnestly requested.

Please charge our Deposit Account No. 50-2207, under Order No. 672728128US2 for the terminal disclaimer fee, and any other fees due in connection with this submission.

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Respectfully submitted,

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